



Noveon, Inc.
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502.772.5900

October 7, 2004

Mr. Art Williams
Louisville Metro Air Pollution Control District
850 Barret Avenue
Louisville, Kentucky 40204-1745

RE: Informal Comments Regarding STAR Program Draft Regulations

Dear Mr. Williams:

Noveon, Inc. [Noveon] appreciates the opportunity to submit comments regarding the STAR Program Draft Regulations. Noveon participated in the development of and supports fully the comments regarding the proposed STAR Program draft regulations, submitted by Greater Louisville Inc. [GLI] In recognition of the limited time you have to review the comments, GLI's comments are not repeated here. However, please consider their concerns as our concerns. In both the GLI comments and the comment presented below, only the broadest and most visible issues have been presented. There has not been sufficient time for more than a cursory review of the draft regulation package.

In addition to the broader GLI comments, please consider the following Noveon general concern. More specific concerns are presented in the attachment to this letter.

General Comment:

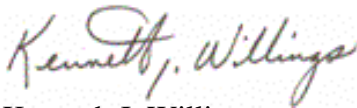
Noveon is in the earliest stages of investigation into a potential multi-million dollar expansion at the Louisville Plant and has already met with GLI and the Mayor's Office to discuss the possibility. We believe the implementation of the STAR Program, as proposed, will put such a strain on the District's resources that it does not appear we could obtain a construction permit within a reasonable period of time. Expansion projects take a long time to coalesce, but when they finally do, construction needs to begin expeditiously. It may take over a year to evaluate market needs versus existing capacity, possible locations and designs, technology improvements, and then, finally, the actual process design. The construction permit application process cannot be started until the final design is developed. Currently, the back log of construction permit applications is over a year long. With the implementation of the STAR Program, we anticipate it will take over two years to get a construction permit to begin the expansion. Add to this the actual time it will take to construct the new equipment and suddenly we are four years away from being able to utilize new capacity. This seriously jeopardizes our ability to

bring additional capacity to market in a timely fashion. This type of delay may make this type of expansion and potential future expansions at the Louisville Plant less attractive.

We are disappointed that a program as significant and complicated as the STAR program was not developed through a stakeholder process. Noveon continues to support the concept of a stakeholder process to work through the issues in the draft STAR program. We believe this is the most effective process to resolve the community's concerns.

Thank you for the opportunity to provide Noveon's comments and concerns before the start of the formal public comment period. If you need clarification regarding any of the specific comments in the attachment, please call Susan Clark at 502-772-5705.

Sincerely,



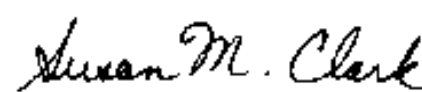
Kenneth J. Willings
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Susan M. Clark
Environmental Engineer

cc: Jonathan Trout, LMAPCD
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LMAPCD Board
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Mary Woolridge, Metro Council
Joe Reagan, GLI
DeVone Holt, GLI
Tim Corrigan, Esq., GLI
Pat Moran, Esq., GLI
Lloyd Cress, Esq., Commissioner DEP
Scott R. Smith, EPPC
Rudy Underwood, ACC

Attachment
Noveon, Inc.
Additional Comments Regarding the STAR Program

Specific Comments (*presented in regulation order; not order of importance*):

- ▶ **Regulation 1.02**, Section 1.56.6 – Noveon supports GLI’s comment regarding the addition of “Use of a material” to the definition of “Process”. The effect of considering the use of a material as processing means every time Noveon adds a new chemical it will be a modification under LMAPCD rules. Noveon adds approximately six to ten new raw materials and maintenance chemicals to the facility inventory each year. It is very likely that at least half of these new materials will contain some percentage of TAC. Therefore, no matter how small the percentage of TAC components, Noveon would be forced to apply for a Title V permit modification approximately three to five times each year. This is a drain on both the District’s and the company’s resources. Noveon is in a highly competitive, global business. In order to remain viable, Noveon must adapt to its customer demands which includes modifying products by the addition of new raw materials to meet specific customer or market demands for new products. In this global economy, market response needs to be made within days or weeks of the development of new products, not years. The inability to respond timely to market demand will mean the loss of market share and, ultimately, of our ability to maintain a viable business in Louisville.
- ▶ **Regulation 1.06**, Section 4.2 – Please consider moving the various July 15 deadlines to October 15. This will help the environmental community balance the work load through the year. After all, Title V semi-annual reports, Hazardous Waste Annual Generators Reports, and SARA 312 Tier II Reports are due March 1, Emission Inventory and Title V Annual Compliance are due April 15, SARA 313 TRI Reports are due July 1, and Title V semi-annual reports are due August 29. This would reduce the burden on the regulated community if the STAR program reporting was not due within the same time frame.
- ▶ **Regulation 1.20**, Section 3.5 - We believe this text is intended to say, “A malfunction prevention program may *reference* the affected facility’s standard operating procedure manual...” If this is the case, this correction may address the first of GLI’s Section 3.1.7 comments.
- ▶ **Regulation 1.21**, Section 3.8 (the second one) – Noveon supports the option to use a continuous leak monitoring system in lieu of a more prescriptive leak detection program. This would provide added flexibility in achieving the same results. Incidentally, this section should have been numbered 3.9.
- ▶ **Regulation 2.08**, Section 6 – Please consider instituting a per facility or per substance cap on fees associated with TACs. It would not be fair for one large source to pay for the bulk of the program. One such example of a cap is already found in Section 1.3.2 for the calculation of Title V emission fees.

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- ▶ **Regulation 5.01**, Section 4.2.5 - Noveon believes all cold cleaners should be exempted. The effort to calculate emissions, determine model parameters and model the impact of a parts washer is not an appropriate use of resources, considering the miniscule amount of emissions they generate during the few hours each year that the lids are open.
- ▶ **Regulation 5.11 and 5.12** - Noveon believes it is time to incorporate the text of the requirements instead of referring to an out-of-date version of a Kentucky rule.
- ▶ **Regulation 5.20**
 - General - Noveon believes the District should determine the Benchmark Ambient Concentrations for each substance listed in Regulation 5.23 and publish them in a table that is part of the regulation (either 5.20 or 5.23). LMAPCD should use the methodology we (the community – through rule making) determine is appropriate and identify how each value was calculated. It is the District's responsibility to set limits; therefore, the determination of the BAC is ultimately the District's responsibility.
 - Section 2.1.3 - Noveon does not believe the District has the expertise to make decisions on the carcinogenicity of a chemical. Therefore, Section 2.1.3 should be deleted in its entirety and replaced. There are other much more qualified organizations to which the District can look for that determination, such as the American Conference of Governmental Industrial Hygienists (ACGIH) classes of "Confirmed Human Carcinogen" and "Suspected Human Carcinogen".
 - Sections 3.3.3, 3.3.4.4, and 4.4 - Noveon does not recognize Michigan rules as an authoritative reference for Jefferson County, Kentucky regulations. Only nationally and internationally recognized references should be used. Therefore, the sections regarding Michigan's "Initial Threshold Screening Level" and "Cancer risk assessment screening methodology" should be removed, as well as any other references to Michigan's regulations found in the proposed regulations in the STAR package.
 - Section 4.5: The composite safety factor uses a 30 year estimate for a worker's exposure compared to a 70 year lifetime. However, most people work 40 years (from age ~20 to ~60). Why not use a more appropriate estimate, which would change the composite safety factor to approximately 80?
 - Section 4.10: Equation 13 includes a ratio between the body weight of the experimental animal and an undefined value, ISUBA. Please define ISUBA. The explanation of the equation components includes the daily inhalation rate of the experimental animal. However, since Equation 13 is for oral LD₅₀, would it be more appropriate to relate the body weight of the experimental animal to the average body weight of a person?

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- Section 5: What are the criteria for the District to make this determination?
- ▶ **Regulation 5.23:** Please consider renumbering the TAC categories as 1 through 4, instead of 1, 1A, 2, 3. During your presentation of the new program to GLI, unconsciously, even you referred to them as Categories 1 through 4. We believe this will be a common mistake; so changing the category numbers will avoid any miscommunication in this regard.